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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,608

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Frank Scholz

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EXAMINER

ZEWARI, SAYED T

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

03/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/533,608	Applicant(s) SCHOLZ, FRANK	
	Examiner SAYED T. ZEWARI	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Objections

Specification

2. The amended abstract and specification contains a lot of underlined and crossed over words. These words make reading of the application unnecessarily difficult. A copy of the latest abstract and specification without underlined/crossed words are required.

3. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is requested to furnish a flowchart clarifying the method of the operations of the invention. No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

DETAILED ACTION

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (US 6,349,201) in view of Otting et al. (US 6,477,372).

With respect to claim 12, Ford discloses a method for locating a communication device (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**), whereby an emergency call routine is activated (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**), comprising the steps of: identifying the communication device (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**); and localizing the identified communication device by using a localization method available over the selected network (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**). However, Ford does not specifically disclose detecting at least one available communications network at the location of the communication device; selecting one of the communications networks when more than one communications network is detected; sending an emergency signal over the selected network. In analogous art, Otting discloses detecting at least one available communications network at the location of the communication device (**See Otting's figure 3 & 4, col.4 lines 16-37, col.5 lines 7-37, col.6 lines 10-32, for additional info see col.1 lines 32-36, col.2 lines 12-18, 35-38, 55-67, col.3 lines 1-2**); selecting one of the communications networks when more than

one communications network is detected; sending an emergency signal over the selected network **(See Otting's figure 3 & 4, col.4 lines 16-37, col.5 lines 7-37, col.6 lines 10-32, for additional info see col.1 lines 32-36, col.2 lines 12-18, 35-38, 55-67, col.3 lines 1-2)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ford by combining it with the invention of Otting, thereby providing system and method of sending location information over a detected and selected network as disclosed by Otting **(See Otting's figure 3 & 4, col.4 lines 16-37, col.5 lines 7-37, col.6 lines 10-32, for additional info see col.1 lines 32-36, col.2 lines 12-18, 35-38, 55-67, col.3 lines 1-2)**.

With respect to claim 13, Ford discloses a method wherein at least one of the communications network comprises mobile transceiver or transponder stations, by which the emergency signal from the communication device is further transmitted or that function as a transponder for said emergency signal **(See Ford's figure 3, col.5 lines 21-24, 35-45, see additional info col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)**.

With respect to claim 14, Ford discloses a method whereby a further network is a cellular network **(See Ford's col.6 lines 10-24)**.

With respect to claim 15, Ford discloses a method whereby the emergency cell routine also comprises the identification of the communication device **(See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)**.

With respect to claim 16, Ford discloses a method whereby also a speech connection is established over one of the detected communications networks (**See Ford's col.6 lines 10-24**).

With respect to claim 17, Ford discloses a method whereby the emergency call routine can be activated remotely (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sayed T. Zewari whose telephone number is 571-272-6851. The examiner can normally be reached on 8:30-4:30.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sayed T Zewari/

Examiner, Art Unit 2617

/DUC NGUYEN/

Supervisory Patent Examiner, Art Unit 2617